IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.131 OF 2006
IN
TESTAMENTARY PETITION NO.484 OF 2005

Muradkhan M. Babi
Administrator of late Parveen Babi ....Petitioner
V/s.
Administrator General,
Maharashtra State ....Respondent

Ms.J.W. Sidhwa for the Petitioner.

Mr.B.G. Sawant for Caveator.

Mr.A.L.N. Khatri for the Respondent.

CORAM : S.J. VAZIFDAR, J.
DATED : 13TH JULY, 2007.

P.C. :

1. The Petitioner seeks an order restraining the Administrator General, Maharashtra State from taking any other steps relating to the assets of the deceased and for appointment of a Court Receiver in respect of the assets of the deceased. There are rival claims to the assets of the deceased. In these circumstances, I see no warrant for granting any relief restraining the Administrator General from functioning.

2. The grievance of the parties is that despite the order of this Court dated 5.10.2006 in

Misc.Petition No.10 of 2005, filed by the Administrator General, the flat has yet not been given out on agency basis.

3. The learned counsel appearing on behalf of the Administrator General states that a leave and licence agreement in respect of the flat which forms a part of the estate will be finalized within six weeks from today. The statement is accepted.

4. Further in any event technically any order interfering with the functioning of the Administrator General ought to be made in the proceedings initiated by the Administrator General namely in Misc.Petition No.10 of 2005. Even on facts no further interference is called for.

5. In the circumstances, the Notice of Motion is dismissed.